



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

June 6, 2007

Mayor David Dermer
 Vice-Mayor Michael Góngora
 Commissioner Matti Herrera Bower
 Commissioner Simon Cruz
 Commissioner Saul Gross
 Commissioner Jerry Libbin
 Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
 City Attorney Jose Smith
 City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

- PA1 Plaque/Miami Beach Public Works Department Achieving Full National Accreditation.
- PA2 Proclamation/Rotary Club of Miami Beach for Their 70th Year Anniversary. (Góngora)
- PA3 Certificate of Appreciation/Bill Coffman, President of the Rotary Club. (Góngora)
- PA4 Certificate of Appreciation/Janine Sylvestre, Incoming President of the Rotary Club. (Góngora)
- PA5 Medal of Honor, Tammy Lindsay, Saving Two Individuals from Drowning. (Steinberg)
- PA6 Certificates of Appreciation/25th Annual Bayanza Clean Up Participants. (Góngora)
- PA7 Certificates of Appreciation/Palm Island Park Improvements Fundraising Campaign.
- PA8 **New Item:** Certificate of Appreciation/Stuart Blumberg, Hotel Association. (Cruz)
- PA9 **New Item:** Certificates of Apprec./T. Sheffman & K. Jurn, Air Race Classic 2007. (Libbin/Góngora)
- PA10 **New Item:** Proclamation/Diane Camber, Many Years of Service at the Bass Museum. (Dermer)
- PA11 **New Item:** Proclamation/Manny Fernandez, TOPA General Manager. (Cruz)

- C4A Ref: Finance & Citywide Projects Committee - Support the 49th Annual Meeting of IDB.
- C4B Ref: Neighborhoods/Community Affairs Committee - "Red Sea Road" Sculpture Deassession.
- C4C Ref: Neigh/Community Affairs Comm. - Utilize 2216 Park Avenue Housing Facility. (Góngora)
- C4D Ref: Land Use & Development Committee - North Beach Town Center Plan.
- C4E Ref: Neighborhoods/Community Affairs Committee - Legislation for La Gorce. (Bower)
- C4F Ref: Neighborhoods/Community Affairs Committee - Prohibiting Commercial Banners. (Cruz)
- C4G Ref: Neighborhoods/Community Affairs Committee - North-End Police Sub Station. (Libbin)

- C6A Report: Neighborhoods/Community Affairs Committee Meeting on April 25, 2007.
- C6B Report: G.O. Bond Oversight Committee Meeting on May 7, 2007.
- C6C **W-**Report: Land Use & Development Committee Meeting on May 14, 2007.
- C6D Report: Neighborhoods/Community Affairs Committee Meeting on May 23, 2007
- C6E Report: Special Finance & Citywide Projects Committee Meeting on May 9, 2007.

- C7A Submit Grant Application Requests To Various Funding Agencies.

C7B Execute Amendment, ROW Improvements in Neighborhood No. 6 - Oceanfront Project.
 C7C Appropriate Funds, Jackie Gleason Theater ADA & Interior Improvements Project.
 C7D Reappointment of Chief Special Master.
 C7E Elect Commissioner Matti Herrera Bower As Vice-Mayor, July 1 - October 31, 2007.
 C7F Approve Purchase, E Team Software License, Maintenance & Service Agreement.
 C7G Waive Bid, Install Mondo Advance Gymnasium Flooring - Scott Rakow Youth Center. **5/7**
 C7H Use Previously Appropriated Funds, Restoration of Irrigation System on MacArthur CSWY.
 C7I Use Previously Appropriated Funds, Restoration of the Bulb-Outs on Harding Avenue.
 C7J Set Public Hearing, Review DRB File No. 9024 for 1330 West Avenue.
 C7K Set Public Hearing, Prohibit Dance Hall and/or Entertainment Establishment in CD-1.
 C7L Accept Donation, (2) Genesis Handheld Radar Speed Measuring Devices from MADD.
 C7M Execute Extension of Mutual Aid Agreement w/ Florida Dept. of Law Enforcement.
 C7N Execute A Change Authorization w/ IBM, Broadcast a Filtered Connection to the Internet. **150/SM**
 C7O Waive Bid, 2-Year Maintenance & Service Agreement w/ Under Power Corporation. **5/7**
 C7P Waive Bid, Retrofit Existing Street Lights to Include New Photocell Devices. **5/7**

R5A **10:15 a.m. 2nd Rdg**, Non-Profit Vending & Distribution Ordinance.
 R5B **10:16 a.m. 2nd Rdg**, Handbills Ordinance.
 R5C **10:20 a.m. 2nd Rdg**, Certain Appearances Prohibited. (Bower)
 R5D **10:25 a.m. 2nd Rdg**, Naming of Public Facilities & Establishments of Monuments/Memorials.
 R5E **1st Rdg**, Entertainment Establishments Ordinance. **5/7**
 R5F **1st Rdg**, Land/Lot Split Ordinance. **5/7**
 R5G **1st Rdg**, Permit Robotic Parking Systems in Main Use Garages - GU & CCC Districts. **5/7**

R7A Accept Recommendation, 10th Street Auditorium/Beach Patrol Headquarters Project.
 R7B Execute Agreement, Restroom Facilities at Normandy Shores Golf Course.
 R7C Approve the Renaming of "Jackie Gleason Theater Of The Performing Arts."

R9A Board & Committee Appointments.
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C **10:30 a.m.** Discuss: Urge U.S. Congress to Pass the Employee Free Choice Act. (Steinberg)
 R9D **W-Discuss**: Proposed Ordinance from the La Gorce Neighbors. (Cruz)
 R9E **4:45 p.m.** Discuss: Status of Undergrounding Project on Palm & Hibiscus Islands. (Cruz)
 R9F **4:40 p.m.** Discuss & Refer to HPB - Macy's "Under-Water Seascape" Ceiling Mural. (Bower)

A City Attorney's Status Report.
 B Parking Status Report.
 C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
 D Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
 E1 Minutes: Carnival Center for Performing Arts Board Meeting on March 27, 2007. (Bower)
 E2 Minutes: Metropolitan Planning Organization Board Meeting on April 26, 2007. (Steinberg)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

1A Report: Itemized Revenues/Expen. of RDA's City Ctr. District & S. Pointe - April 2007.

Meeting called to order at approximately 9:18:18 a.m.

Pledge of Allegiance led by former Mayor Harold Rosen.

Invocation given by Robert Parcher, City Clerk.

Mayor Dermer announced that today is D-Day and that Miami Beach appreciates the sacrifices made by the United States troops and the allied troops on that day and the subsequent victory in World War II.

Times based on the digital recording in the City Clerk's Office.

Supplemental Materials:

C7G (Resolution), C7N (Resolution), R5B (Revised Ordinance), and R7C (Revised Resolution)

Addendum:

ACTION: Motion made by Commissioner Bower to add item C4G and R9F as emergency items to the Commission Agenda; seconded by Commissioner Cruz. Approved without objection. Absent: Commissioner Libbin.

Presentations and Awards

9:23:03 a.m.

PA1 Plaque Presentation By Mr. Noel Thompson, American Public Works Association, In Recognition Of The City Of Miami Beach Public Works Department Achieving Full National Accreditation.
(Public Works)

ACTION: Plaque presented.

Mayor Dermer announced that Mr. Noel Thompson, who has been nominated as the next president of the American Public Works Association, will present Fred Beckmann, Public Works Director, with a plaque.

Fred Beckmann, Public Works Director, stated that the celebration today is the culmination of over two years of hard work by the Public Works Department staff. He added that out of 27,000 Public Works agencies in the United States and Canada combined; only 41 of them have been awarded this accreditation by the American Public Works Association. The City of Miami Beach is now No. 42 in this elite group of Public Works Departments. In the state of Florida there are only three accredited agencies. He summarized the process endured in order to apply for accreditation and added that the evaluation team evaluated the department with 388 practices at full compliance and only three at substantial compliance. According to the evaluators, this score was "phenomenal." He thanked staff from Finance, City Clerk's Office, Human Resources, Planning Procurement, IT and the City Attorney's Office who were part of this process, for providing valuable assistance. He presented the team that guided the department during the accreditation process and asked all of the Public Works employees present to stand up and be recognized and congratulated everyone that made it possible. He proudly reported to the City Manager, that the department's Key Intended Outcome to become an American Public Works Association Accredited Organization has been accomplished.

Noel Thompson, American Public Works Association, explained some of the benefits accruing to the agency and the City; and stated that accreditation is the mark of professionalism and commitment to continued improvement in operations and services; it recognizes an agency policies and procedures nationally, it recognizes that the agency is well managed and has increased productivity. He explained that what is remarkable about this agency, besides the nearly 100% compliance, which has not been matched anywhere, is that it was done in such a short order; as it took only one year to go through the process and this is the quickest he has ever seen it done, and it seems that someone has been doing a good job for a long time. Evaluation team members came from across the country and the accreditation was extended this past May. He added that the City of Miami Beach Public Works Department is a world class organization.

Jorge Gonzalez, City Manager, thanked the American Public Works Association for this recognition and stated that this is the largest department to receive accreditation in the City, and he encouraged other departments to do the same. He congratulated Fred Beckmann and staff for their leadership in making it possible for his department to accomplish this.

Handout or Reference Materials:

1. American Public Works Association – June 2007- [www/apwa.net](http://www.apwa.net) APWA REPORTER

9:48:06 a.m.

PA2 Proclamation To Be Presented To The Rotary Club Of Miami Beach For Their 70th Year Anniversary.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Proclamation presented. Items heard in conjunction with items PA3 and PA4.

Vice-Mayor Góngora recognized the Rotary Club of Miami Beach for their 70th anniversary and presented them with a proclamation, which he read. He also presented Certificates of Appreciation to Bill Coffman and Janine Sylvestre.

Bill Coffman spoke

Janine Sylvestre spoke.

Handout or Reference Materials:

1. Rotary Squares pin

9:48:06 a.m.

PA3 Certificate Of Appreciation To Be Presented To Bill Coffman, President Of The Rotary Club Of Miami Beach.

(Requested by Vice-Mayor Michael Góngora)

ACTION: Certificate presented. See item PA2.

9:48:06 a.m.

PA4 Certificate Of Appreciation To Be Presented To Janine Sylvestre, Incoming President Of The Rotary Club Of Miami Beach.

(Requested by Vice-Mayor Michael Góngora)

ACTION: Certificate presented. See item PA2.

11:47:40 a.m.

PA5 Medal Of Honor To Be Presented To Tammy Lindsay For Her Courageous Efforts In Saving Two Individuals From Drowning Off Miami Beach On May 28, 2007.

(Requested By Commissioner Richard L. Steinberg)

ACTION: Medal of Honor presented.

Commissioner Steinberg stated that on May 28, 2007, Timothea Leaya Lindsay was walking along the beach on 71st Street and noticed three individuals swimming near a sandbar having problems. She got in the water and rescued one of the individuals, and then went back in the rip current bringing the second person to safety; unfortunately by the time she tried to rescue the third individual, it was too late. He stated that the City is honored to present her with this award and this community is grateful.

Timothea Leaya Lindsay spoke.

9:53:13 a.m.

- PA6 Certificates Of Appreciation To Be Presented To The Scott Rakow Youth Center Participants Of The 25th Annual Baynanza Clean Up.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Certificates presented.

Vice-Mayor Góngora explained that he had the chance to tour with Kevin Smith, Parks and Recreation Department Director, different sites, among them, the Scott Rakow Youth Center. He was glad to learn that recently the Center participated in the Baynanza Clean Up and recognized the youth and all the participants involved.

Ellen Vargas gave thanks on behalf of all participants.

10:16:56 a.m.

- PA7 Certificates Of Appreciation To Be Presented To The Park Improvements Committee Co-Chairs: Helen Mopsick, Laura Gould, Stephanie Rosen And Hans Muller, President Of The Board Of Directors (On Behalf Of The Board Of Directors Of The Palm-Hibiscus-Star Islands Association) For Their Leadership, Hard Work And Dedication To The Successful Completion Of The Palm Island Park Improvements Fundraising Campaign.
(Parks & Recreation)

ACTION: Certificates presented.

Jorge Gonzalez, City Manager, introduced the item and stated that this is an example where a neighborhood came together and raised additional funds to improve the park area.

Kevin Smith, Parks and Recreation Department Director, presented certificates to Helen Mopsick, Laura Gould, Stephanie Rosen and family and Hans Muller. He added that these residents wanted to purchase new equipment and worked together with the City to raise \$70,000 and the construction is underway now. He also thanked his staff, Carlos Da Cruz, Julio Magrisso as well as Michael Alvarez, Assistant Director, Public Works, and John Kranick for their hard work.

Hans Muller, Palm-Hibiscus-Star Islands Association, spoke.

Helen Mopsick spoke.

10:01:39 a.m.

PA8 Certificate Of Appreciation To Be Presented To Stuart Blumberg, Hotel Association.
(Requested by Commissioner Cruz)

ACTION: Certificate presented.

Commissioner Cruz stated that last month was Tourism Appreciation Month and several awards were given out, but the City was remised by not acknowledging someone that has been in the tourism industry for 52 years. Stuart Blumberg has been a pillar for the tourism industry, not only as head of the South Florida Hotel Association, but as general manager for many hotels and as a teacher at FIU School of Hospitality, and that is a lifetime dedicated to tourism and promoting Miami Beach in everything that it has to offer. He truly represents the best of our City and the tourism industry and it is a great honor to present him with this Certificate for all his hard work.

Stuart Blumberg stated that in 1966 when he worked as a bellhop he never envisioned he would still be in the same industry 52 years later; he still has a long list of goals to be accomplished in the City and the industry; he added that the City is at the cutting edge of becoming the premiere destination of the world. He accepted the certificate and thanked the City Commission, the City Manager, the City Attorney, and especially Mayor Dermer for working together and accomplishing the post 911 Task Force Report.

Mayor Dermer stated that at a moment in the City's history when it really needed to come together, especially in the tourism industry, Stuart Blumberg brought the residents together post 911 and made recommendations that were later instituted as policies by this City Commission, and he does not know if anyone else at that moment could have done that. His leadership needs to be recognized and is most appreciated.

Commissioner Bower stated that she attends a lot of meetings and sees Stuart at so many places. He really takes things very seriously and when he supports something he goes all the way and she appreciates his efforts.

Jorge Gonzalez, City Manager, added that Stuart recently was also honored as a Hero of the Arts in South Florida and this is indicative of his involvement on behalf of the tourism industry with other issues. He explained that the 911 Task Force did an excellent job and the City is now enjoying the benefits of those recommendations. He complimented him on this recognition.

9:55:28 a.m.

PA9 Certificates Of Appreciation To Be Presented To Tamra Sheffman and K. Jurn, Air Race Classic 2007.

(Requested by Vice-Mayor Góngora and Commissioner Libbin)

ACTION: Certificates presented.

Vice-Mayor Góngora presented the Certificates on behalf of Commissioner Libbin who could not be present. He commended Tamra and Kristen for taking part of this race and for encouraging young women to learn how to fly.

Tamra Sheffman, Air Race 2007 pilot, thanked the City Commission for the recognition. She added that every year they promote the City of Miami Beach and gave a brief history on the beginnings of air race and details on the current race.

Kristen Jurn, Air Race 2007 co-pilot, spoke.

9:39:51 a.m.

PA10 Proclamation To Be Presented To Diane Camber For Her Many Years Of Service At The Bass Museum.

(Requested by Mayor Dermer)

ACTION: Proclamation presented.

Mayor Dermer stated that Diane Camber is retiring after a long tenure of 27 years as Director of the Bass Museum. He added that her work at the museum will be legendary in times to come. Through years of efforts, she developed the museum and made it nationally and internationally known. He read the Proclamation.

Diane Camber thanked the Mayor and City Commission for this honor and explained that every year has been a wonderful year, and it is an honor to have held that position. She added that she is not leaving and she will continue to be involved in cultural endeavors and in seeing the completion of the expansion at the Bass Museum.

10:10:55 a.m.

PA11 Proclamation To Be Presented to Manny Fernandez, TOPA General Manager.

(Requested by Commissioner Cruz)

ACTION: Proclamation presented.

Commissioner Cruz stated that Manny Fernandez has been with SMG for 25 years, since 1982, working his way up the corporate ladder. In 1992 he came to be Director of the Jackie Gleason Theater. He is always very attentive and his heart and soul have truly been with this Theatre and it is bittersweet that he is leaving because he will be missed.

Manny Fernandez, Director of the Jackie Gleason Theatre, spoke.

Commissioner Bower thanked Commissioner Cruz for bringing this Proclamation forward, because Manny Fernandez is himself an institution. She always found Manny at every function she attended and it is sad to see him go.

City Clerk's Note: See Agreement with Live Nation

New Item:

9:44:41 a.m.

PA12 UNIDAD's New Generation Leadership Workforce Institute Program.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Commissioner Bower introduced the summer program and explained the skills learned by the youth, including attending City Commission meetings.

Waleska Conde spoke.

Handout or Reference Materials:

1. New Generation Leadership & Workforce Institute Brochure

CONSENT AGENDA

Jorge Gonzalez, City Manager, noted the correction to C6D; withdrew C6C; and separated the following items on behalf of Commissioner Libbin who is attending his son's graduation and will be in later; C7H, C7I, C7N, C7O and C7P.

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Libbin.

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding The City Of Miami Beach's Support Of The 49th Annual Meeting Of The Board Of Governors Of The Inter-American Development Bank (IDB) In April 2008.
(Tourism & Cultural Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Max Sklar to handle.

- C4B Referral To The Neighborhoods/Community Affairs Committee - A Discussion To Deassess The "Red Sea Road" Sculpture Designed By Artist Barbara Neijna, As Recommended By The Art In Public Places Committee.
(Tourism & Cultural Development)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Max Sklar to handle.

- C4C Referral To The Neighborhoods/Community Affairs Committee - Utilizing The 2216 Park Avenue (Former Delta House) As A Housing Facility For The Miami City Ballet.
(Requested by Vice-Mayor Michael Góngora)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Hilda Fernandez to handle.

- C4D Referral To The Land Use And Development Committee - The North Beach Town Center Plan.
(Planning Department)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

- C4E Referral To The Neighborhoods/Community Affairs Committee - Proposed Legislation For La Gorce.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Legal Department to handle.

- C4F Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding Prohibiting Commercial Banners North Of The Eden Roc Hotel And South Of 63rd Street.
(Requested by Commissioner Simon Cruz)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Max Sklar to handle.

Addendum:

- C4G Discussion And Referral Neighborhoods/Community Affairs Committee – Discussion Regarding the Progress of the North-End Police Sub Station.
(Requested by Commissioner Libbin)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Bob Middaugh to handle.

C6 - Commission Committee Reports

- C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On April 25, 2007: **1)** Discussion Regarding Legislation Governing The Distribution Of Handbills And Flyers In Certain Areas Of The City; **2)** Discussion Regarding The “Urban Deco” Manhole Covers Designed By The Artist Garren H. Owens To Be Commissioned For Placement Throughout The City Of Miami Beach, As Recommended By The Art In Public Places Committee; **3)** Discussion Regarding Appropriate Landscape Around A Utility Plant At 51st And Pinetree Drive; **4)** Discussion Regarding The City Policy As It Relates To FPL Conditions To Underground Electric Utility Lines; **5)** Discussion Regarding Community Awareness Of Pandemic Flu; And **6)** Discussion Regarding Lights In Pine Tree Park.

ACTION:

Item No.1:

The Committee moved the ordinance as is to the next meeting of the full City Commission where the use of “shall” or “may” will be discussed and that the City Attorney’s Office will review the recommendations submitted by Mr. Stolar and provide their opinion.

City Clerk’s Note: See Agenda Item R5B

Item No. 2:

The Committee moved to approve the item to the full City Commission without opposition.

City Clerk’s Note: See Resolution 2007-26542

Item No. 3:

The Committee moved to defer the item to the next meeting of the Neighborhoods/Community Affairs Committee.

Item No. 4:

The Committee moved to authorize the recommendation to participate in the coalition and have the consultant’s report at the next meeting of the Neighborhoods/Community Affairs Committee.

City Clerk’s Note: See Resolution No. 2007-26529

Item No. 5:

The Committee moved to defer the item to the next meeting of the Neighborhoods/Community Affairs Committee.

Item No. 6:

The Committee moved to not make a decision until the two sides of this issue come to more of a consensus.

- C6B Report Of The G.O. Bond Oversight Committee Meeting On May 7, 2007: **1)** Contingency Report; **2)** Project Status Report: A. Update On Fire Station No. 2; B. Update On Fire Station No. 4; C. Update On Normandy Isle Park And Pool; **3)** Project Status Report - G.O. Bond-Funded Projects Managed By The Public Works Department; Information From The Parks And Recreation Department; **4)** Update On Biscayne Point R-O-W; **5)** Update On Normandy Isles/Normandie Sud R-O-W Project; And **6)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings.

ACTION:**Item No.1:**

Jorge Cano, Assistant Director of the Capital Improvement Projects Office, presented the contingency report. \$159,000 in change orders were presented for the Belle Isle ROW and Park project.

Item No. 2(A):

Substantial completion is expected by the end of the second quarter of 2007 and occupancy is expected by the third quarter of 2007.

Item No. 2(B):

A Certificate of Occupancy was received on April 5, 2007. The station is ready for occupancy. The decision to move in is up to the Fire Department.

Item No. 2(C):

The pools are open to the public and operating. Final C.O. is anticipated by the end of May, 2007. The soccer field is the responsibility of the Parks Department.

Item No. 3:**Projects managed by Public Works Department:**

ADA BEACH ACCESS: This is funded yearly from G.O. Bond Funds. A pilot project at 10th and Ocean Drive, placing mats over the sand for access, was very successful. The department is now looking at other beaches in the City to implement this project.

ADA CITYWIDE RENOVATIONS: The department recently completed ramp access to the South Shore Community Center. New restroom facilities are to be completed over the coming year.

ALTON ROAD CORRIDOR ENHANCEMENTS: This project is substantially completed, with some final landscaping to be done by Parks' Greenspace Division.

BEACH PLANTING: The department is developing this program, removing exotic plants on the dunes and replacing them with new indigenous plants.

INDIAN CREEK GREENWAY: This project is currently halted. Not only is funding unavailable, but in order to complete the project as envisioned, cooperation is needed from property owners.

NORMANDY DRIVE / 71ST STREET CORRIDOR: This project is still 2-3 years to commencement. This is in the planning stages and the City needs to work with FDOT.

ROOF ASSESSMENT PLAN: As roof problems on City buildings are identified, they are repaired. There is an annual allocation toward this program.

SHORELINE AND SEAWALL REHABILITATION PROGRAM: Some seawalls require simple cap replacement rather than entire seawalls. The Public Works Department has done a citywide assessment and will generate work orders first for priority areas and then follow with smaller projects.

Projects managed by Parks and Recreation Department:

FAIRWAY PARK: With funding in the Capital Budget, Bermuda grass will be installed there.

NORMANDY SHORES GOLF COURSE: Construction has already started. The course will be finished by summer 2008.

SCOTT RAKOW YOUTH CENTER: In the design process, now at 60%. Residents of the Bayshore neighborhood are speaking with the administration to resolve several issues about the building, the par-3 golf course and some surrounding area that are of concern to them.

Item No. 4: Not listed in the report.

Item No. 5: Not listed in the report.

Item No. 6: Not listed in the report.

- C6C Report Of The Land Use And Development Committee Meeting On May 14, 2007: **1)** Discussion Of An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition," By Amending Section 118-591 To Modify The Procedures For Preliminary Evaluations; **2)** An Ordinance Amending Chapter 118, "Administration And Review Procedures," Of The City Code, By Amending Article VII, "Division Of Land/Lot Split," By Expanding The Review Criteria For The Review Of Requests For A Division Of Land/Lot Split; Providing For Repealer, Severability, Codification And An Effective Date; **3)** An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article III "Design Standards," Section 130-68 "Commercial And Noncommercial Parking Garages" To Permit Robotic Parking Systems In Main Use Garages In The GU And CCC Districts; And **4)** Discussion Regarding CANDO Blue Ribbon Committee Resolution Recommending Zoning Incentives.

ACTION: Item withdrawn by Jorge Gonzalez, City Manager. Lilia Cardillo to place on the July 11 Commission Agenda. Jorge Gomez to handle.

- C6D **City Commission Action: Report Amended – The Report indicates that Commissioner Libbin was present at the meeting when he was not.**
- C6D Report Of The Neighborhoods/Community Affairs Committee Meeting On May 23, 2007; **1)** Discussion Regarding Appropriate Landscape Around A Utility Plant At 51st And Pinetree Drive; And **2)** Discussion Regarding Community Awareness Of Pandemic Flu.

Item No.1:

The Committee made no motion.

Item No. 2:

The Committee moved to direct the Administration to take action on the following five action items and provide a report of the status in two months to Vice-Mayor Góngora.

1. To gain an understanding of the impact the pandemic flu could have on the community.
2. Make sure the City has personal protection supplies for first responders.
3. Contact the State and county regarding their stockpile plans.
4. Stockpile Tamiflu.
5. Initiate community outreach awareness.

Don Druitt to handle.

- C6E Report Of The Special Finance And Citywide Projects Committee Meeting On May 9, 2007: 1) Discussion And Resolution Regarding The Agreement Between The City Of Miami Beach And Live Nation To Operate And Manage The Jackie Gleason Theater Of The Performing Arts.

ACTION:**Item No.1:**

The Committee did not issue a binding recommendation and agreed to leave the item for Commission approval. The Committee agreed that prior to the May 16, 2007 Commission Meeting, a draft of the agreement with the noted revisions would be posted for public review on the City's website.

City Clerk's Note: See Resolution No. 2007-26548.

C7 - Resolutions

- C7A A Resolution Authorizing The City Manager Or His Designee To Submit The Following Grant Funding Requests To: 1) South Florida Water Management For Funding, In An Amount Not To Exceed \$1,000,000, For The Irrigation Portion Of The Normandy Shores Golf Course Renovation Project; 2) Byrne Memorial Formula Grant Program For Funding, In An Amount Not To Exceed \$15,000, For The Police Department's Records Improvement Program; And 3) Approval To Execute A Contract Renewal Between The Children's Trust And The City Of Miami Beach For Funding, In The Amount Of \$525,000, For The City's Out Of School Program For Fiscal Year 2007-2008; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Budget & Performance Improvement)

ACTION: Resolution No. 2007-26552 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7B A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 7 To The Agreement Between The City And EDAW, Inc., Dated May 16, 2001, In An Amount Not To Exceed \$154,517, For The Provision Of Additional Construction Management And Resident Project Representation Services For An Additional Six (6) Months Of Construction Up To October 24, 2007 During Construction Of Phase 1 (East Of Collins Avenue) Of The Right-Of-Way Infrastructure Improvements Program In Neighborhood No. 6 - Oceanfront Project, And Approving The Use Of Funds, In The Amount Of \$154,517 For The Amendment, From The Construction Contingency Previously Appropriated In The 2003 GO Bond Funds For The Oceanfront Neighborhood.
(Capital Improvement Projects)

ACTION: Resolution No. 2007-26553 adopted. Jorge Chartrand to handle.

- C7C A Resolution Appropriating Funds, In The Amount Of \$600,000, From The Convention Development Tax Fund 442, To Fund The Following: Additional Scope Of Work (Phase II – Limited Scope), Not Originally Included Within The Jackie Gleason Theater ADA And Interior Improvements Project (Project); Associated Change Order To Miami Skyline Construction Corp. (Miami Skyline) For Said Work; To Further Fund Additional Design Fees, Additional Project Contingency, And Additional Soft Costs Associated With Said Additional Work; And To Further Fund Change Orders Associated With Phase I Of The Project, Due To Unforeseen Conditions Encountered By Miami Skyline During Execution Of The Construction Work.
(Capital Improvement Projects)

ACTION: Resolution No. 2007-26554 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

C7D Reappointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager And City Attorney, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Jimmy L. Morales, Esquire, To Serve As Chief Special Master, Commencing July 1, 2007, And Ending December 31, 2007, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach City Code Chapter 30, Section 30-37(A) Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2007-26555 adopted. Robert Parcher to handle.

2. A Resolution Accepting The Recommendation Of The City Manager And City Attorney, Pursuant To Sections 30-36 And 102-356 Of The Code Of The City Of Miami Beach, Concerning The Reappointment Of Jimmy L. Morales, Esquire, To Serve As Chief Special Master Pursuant To Chapter 30 Of The Code And To Serve As "Designee" Pursuant To Section 102-356 Of The City Code, Commencing July 1, 2007 And Ending December 31, 2007, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of City And County Codes And Ordinances, And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses, Certificates Of Use And Permits As Provided By The City Code, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.
(City Clerk's Office)

ACTION: Resolution No. 2007-26556 adopted. Robert Parcher to handle.

- C7E A Resolution Electing Commissioner Matti Herrera Bower As Vice-Mayor For A Term Commencing On July 1, 2007, And Terminating On October 31, 2007, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2007-26557 adopted. Robert Parcher to handle.

- C7F A Resolution Approving And Authorizing, Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Sole Source Purchase Of The E Team Software License, Maintenance And Service Agreement, Which Is A Unique, Proprietary Internet-Based Workflow Management Application Designed For Emergency And Event Management, From The National Center For Crisis And Continuity Coordination (NC4), The Owner Of The Copyrighted Software Application; And Appropriating Funds For The Agreement, In The Amount Of \$43,500, From The Information And Communications Technology Fund Contingency.

(Fire Department)

ACTION: Resolution No. 2007-26558 adopted. Don Druitt and Gladys Acosta to handle.

Supplemental materials: Resolution

C7G A Resolution Waiving By 5/7ths Vote, The Competitive Bidding Process, Find Such Waiver To Be In The Best Interest Of The City, And Authorizing The Purchase And Installation Of The Mondo Advance Gymnasium Flooring System At The Scott Rakow Youth Center Gymnasium From Trident Surfacing, Inc., In The Estimated Amount Of \$56,500.
(Parks & Recreation)

ACTION: Resolution No. 2007-26559 adopted. Kevin Smith to handle.

12:02:54 p.m.

12:05:54 p.m.

C7H A Resolution Of The Mayor And The City Commission Of The City Of Miami Beach, Florida, Using Previously Appropriated Funds, In The Amount Of \$85,000, From The City's Capital Investment Upkeep Account No. 011-9509-000676, To Superior Landscaping And Lawn Service, Inc., The City's Approved Landscape Maintenance Contractor For The MacArthur Causeway, For The Restoration Of The Irrigation System On The MacArthur Causeway.
(Parks & Recreation)

ACTION: Item separated by Jorge Gonzalez for discussion on behalf of Commissioner Libbin. Resolution No. 2007-26560 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross. Approved without objection; Absent: Commissioner Libbin. Kevin Smith to handle.

12:02:53 p.m. --- For Items C7N, C70, and C7P

Jorge Gonzalez, City Manager, stated that Commissioner Libbin's question is a larger policy discussion. He explained that Commissioner Libbin is questioning expenditures due to the issue of property taxes reform pending in Tallahassee. He explained that items C7N, C70, and C7P are time sensitive and are already funded in this year's budget.

Mayor Dermer stated that the spending policy discussion could be held either this afternoon or on a future agenda.

City Clerk's note: Items C7H, C7I, C70, and C7P are recorded as being separate motions; however, Commissioner Steinberg's motion was to approve all four together and that motion was seconded by Commissioner Gross.

12:05:56 p.m.

C7I A Resolution Using Previously Appropriated Funds, In The Amount Of \$305,855 From The City's Capital Investment Upkeep Account No. 011-9509-000676; Comprised Of \$245,855 To Everglades Environmental Care Inc, The City's Approved Landscape Maintenance Contractor For Harding Avenue, For The Installation Of An Irrigation System And The Restoration And Beautification Of The Bulb-Outs On Harding Avenue From 76th To 85th Streets; And \$60,000 To The Public Works Department For The Installation Of The Water Source Required To Service The Irrigation System.
(Parks & Recreation)

ACTION: Item separated by Jorge Gonzalez for discussion on behalf of Commissioner Libbin. Resolution No. 2007-26561 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross. Approved without objections; Absent: Commissioner Libbin. Kevin Smith to handle.

City Clerk's note: Items C7H, C7I, C70, and C7P are recorded as being separate motions; however, Commissioner Steinberg's motion was to approve all four together and that motion was seconded by Commissioner Gross.

10:25:44 a.m.

- C7J A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By Waverly At South Beach Condominium Association Pertaining To DRB File No. 9024 For The Property Located At 1330 West Avenue.
(Planning Department)

ACTION: Item separated for discussion by Vice-Mayor Góngora. Resolution No. 2007-26562 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Approved without objection; Vice-Mayor Góngora recused himself; Absent: Commissioner Libbin. Public hearing scheduled for September 5, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Jorge Gomez to handle.

Jose Smith, City Attorney, stated that he advised Vice-Mayor Góngora to recuse himself since his firm was involved in the discussion on this item.

Handout or Reference Material

1. Form 8B filed by Vice-Mayor Góngora
2. Correspondence from W. Tucker Gibbs, P.A., dated May 22, 2007 to City Clerk, City of Miami Beach RE: Request for Appeal to City Commission of Decision on DRB File No. 9024; 1330 West Avenue.

- C7K A Resolution Setting A Public Hearing To Consider A Proposed Amendment To The Land Development Regulations, Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 4, "CD-1 Commercial, Low Intensity District," Section 142-275 "Prohibited Uses" Of The City Code, To Prohibit Dance Hall And/Or Entertainment Establishment Uses In The CD-1 Commercial Low Intensity Zoning District.
(Planning Department)

ACTION: Resolution No. 2007-26563 adopted. Public hearing scheduled for July 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Jorge Gomez to handle.

- C7L A Resolution Accepting The Donation Of Two (2) Genesis Handheld Radar Speed Measuring Devices From Mothers Against Drug Drivers (MADD), With An Estimated Value Of \$600 Each, For A Total Of \$1200, To Be Utilized By Miami Beach Police Officers To Enforce Unlawful Speeding Violations On The Roadways Of The City Of Miami Beach.
(Police Department)

ACTION: Resolution No. 2007-26564 adopted. Acting Police Chief Noriega to handle.

- C7M A Resolution Authorizing The City Manager And City Clerk To Execute An Extension Of A Mutual Aid Agreement Between The Miami Beach Police Department And The Florida Department Of Law Enforcement-South Florida Money Laundering Task Force.
(Police Department)

ACTION: Resolution No. 2007-26565 adopted. Acting Police Chief Noriega to handle.

12:02:53 p.m. -- For Items C7N, C70, and C7P

Jorge Gonzalez, City Manager, stated that Commissioner Libbin's question is a larger policy discussion. He explained that Commissioner Libbin is questioning expenditures due to the issue of property taxes reform pending in Tallahassee. He explained that items C7N, C70, and C7P are time sensitive and are already funded in this year's budget.

Mayor Dermer stated that the spending policy discussion could be held either this afternoon or on a future agenda.

12:04:48 p.m.**Supplemental materials: Resolution**

C7N A Resolution Approving And Authorizing, The Mayor And City Clerk To Execute A Change Authorization With IBM To Implement A Six Year, 1000 Simultaneous User Content Filtering Solution, At A Six Year Cost Of \$62,700, To Broadcast A Filtered Connection To The Internet.
(Finance Department)

ACTION: Separated for discussion by Jorge Gonzalez, City Manager, at the request of Commissioner Libbin. Resolution No. 2007-26566 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Approved without objection; Absent: Commissioner Libbin. Patricia Walker to handle.

Jorge Gonzalez, City Manager, explained that Commissioner Libbin had requested him to separate this item on his behalf.

Commissioner Gross asked Jorge Gonzalez, City Manager, to give a status report on this item.

Jorge Gonzalez, City Manager, explained that the content filtering system will allow residents and users that access WiFi to choose a surf controlled environment, which means that children won't be able to enter into websites which may not be appropriate.

12:05:56 p.m.

C70 A Resolution Approving And Authorizing, Pursuant To Section 2-367 (E) Of The Miami Beach City Code, The Waiver Of The Competitive Bidding Process, By 5/7ths Vote, Finding Such Waiver To Be In The Best Interest Of The City, For A Two-Year Maintenance And Service Agreement With Under Power Corporation At The Rate Of \$10.22 Per Light, Per Month; And Further Approving The Appropriations Of \$32,867.52 For The Period Of June 1, 2007 Through September 30, 2007.
(Finance Department)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager, at the request of Commissioner Libbin. Resolution No. 2007-26567 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Approved without objection; Absent: Commissioner Libbin. Patricia Walker to appropriate the funds and to handle.

Jorge Gonzalez, City Manager, stated that at the Commission Meeting of April 11, 2007 (2007-26516 & 2007-26517), the City Commission accepted the responsibility and maintenance of the power poles and lights that are on Florida Department of Transportation (FDOT) streets and rights-of-ways. He added that regarding WiFi as a project, the City now has full authority and ability to install the final transmitters on those poles that are owned by FDOT. He explained that it is expected that residents and visitors will be able to access the WiFi system by August in a "soft" way with a formal announcement in September.

Mayor Dermer commended Jorge Gonzalez, City Manager, for his efforts.

City Clerk's note: Items C7H, C7I, C70, and C7P are recorded as being separate motions; however, Commissioner

Steinberg's motion was to approve all four together and that motion was seconded by Commissioner Gross.

12:05:56 p.m.

C7P A Resolution Approving And Authorizing, Pursuant To Section 2-367 (E) Of The Miami Beach City Code, The Waiver Of The Competitive Bidding Process, By 5/7ths Vote, Finding Such Waiver To Be In The Best Interest Of The City, And Authorize The Administration To Exercise Its Due Diligence To Determine The Optimal Approach, And Upon Successful Completion Of Said Due Diligence, Authorize The Mayor And City Clerk Execute A Change Order With IBM, The City's WiFi Provider, And/Or Authorize The Administration To Acquire The Retrofitting Of Existing Street Lights To Include Furnishing And Installation Of New Photocell Devices And/Or Replacing Existing Street Lights With Street Lights Equipped With Photocells From Under Power Corporation, In The Total Estimated Amount Of \$339,540, Which Includes A Ten Percent Contingency.
(Finance Department)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager, at the request of Commissioner Libbin. Motion made by Commissioner Steinberg; seconded by Commissioner Gross. Approved without objection; Absent: Commissioner Libbin. Patricia Walker to handle.

City Clerk's note: Items C7H, C7I, C70, and C7P are recorded as being separate motions; however, Commissioner Steinberg's motion was to approve all four together and that motion was seconded by Commissioner Gross.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

11:05:32 a.m.

R5A An Ordinance Amending Chapter 86 Of The Miami Beach City Code Entitled "Sales", By Amending Article III Entitled "Non-Profit Vending And Distribution", By Deleting Section 86-144 Entitled "Rules And Requirements", And Amending Section 86-174 By Changing The Title From "Deadline For Submittal Of Application" To "Administrative Rules" And Providing That The City Manager Or His Designee Shall Develop And Impose Administrative Rules; Providing For Severability, Repealer, Codification, And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**
(Finance Department)
(First Reading on May 16, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3559 adopted. Motion made by Commissioner Cruz; seconded by Vice-Mayor Góngora; Ballot vote: 6-0; Absent: Commissioner Libbin. R. Parcher to transmit to Municipal Code. **Patricia Walker to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 439

10:26:55 a.m.

Supplemental materials: Revised Ordinance

R5B An Ordinance Amending Section 46-92, "Throwing Litter In Public Places; Possession Of Glass Or Metal Containers On Beaches Unlawful; Sweeping Or Throwing Litter In Gutters; Garbage Containers Required For Take-Out Restaurants; Civil Fines For Violation," Of Division 1, "Generally," Of Article III, "Litter," Of Chapter 46 Of The City Code, "Environment," By Creating Criteria For Rebuttable Presumptions Concerning Littering With Commercial Handbills; By Providing For Seizure Of Handbills For Use As Evidence At Prosecution; By Providing For Removal Of Handbills At Violator's Expense; By Amending Definitions Sections; By Amending Provisions Providing For Fines And Penalties For Violations; And Providing For Codification, Repealer, Severability, And An Effective Date.

10:16 a.m. Second Reading, Public Hearing.

(Neighborhood Services)
(First Reading on May 16, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3560 adopted as amended by the Ordinance submitted in the Supplemental Agenda and with the following two additional amendments: 1) If it is the first offense, the fine is \$100.00 plus the \$50 per handbill and the Special Master shall have discretion to lower or eliminate the fine per handbill and 2) Nothing in this ordinance shall supersede or take away the Planning Board's authority in regards to issuing Conditional Use Permits. Motion made by Commissioner Gross; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Libbin. R. Parcher to transmit to Municipal Code, and give a copy to the Special Masters. **Vivian Guzman to handle.**

Amendments:

Supplemental Agenda Ordinance

Amendment #1 Distributed by Hilda Fernandez:

Sec. 46-92 (f)

The special master shall not have discretion to alter these prescribed penalties except as otherwise provided in (f) (1).

Sec. 46-92 (f) (1)

If the offense is the first offense, \$100.00 fine plus, at the discretion of the special master, up to \$50.00 per handbill;

Amendment #2:

Sec. 46-92 (f) (1)

If it is the first offense, the fine is \$100.00 plus the \$50 per handbill. The Special Master shall have discretion to lower or eliminate the per handbill fine.

Amendment #3:

Motion made by Commissioner Bower to include this language stating that nothing in this ordinance shall supersede or take away the Planning Board's authority in regards to issuing Conditional Use Permits.

End

Steve Polisar, Chairman of the Nightlife Task Force (NITE), spoke.

Hilda Fernandez, Assistant City Manager, introduced the item and distributed the amended ordinance.

Motion made by Commissioner Bower and seconded by Commissioner Gross.

Amendment #2:

Commissioner Steinberg stated he is concerned with forcing people into a Special Master situation and asked to modify the language and if someone does not appeal it is unfair because it is not clear as to what the fine will be. It should read that if it is the first offense the fine is \$100.00 plus the \$50 per handbill. The Special Master shall have discretion to lower or eliminate the per handbill fine.

Mayor Dermer asked if everyone understood the change to the language on the amendment and it was approved without objection.

Henry Stolar spoke.

David Kelsey spoke.

Bob Switkes Esq., representing the Hotel and Restaurant Association. spoke.

Jorge Gomez, Planning Department Director, clarified for the record, that the Planning Board in their review of neighborhood establishments may from time to time impose a condition where they ban the handbills all together. These are special establishments that cross the threshold requiring a hearing process. He wants to make sure, for the record, that this ordinance does not preclude or affect the ability of the Planning Board if it decides, for whatever reason, through their review process to ban an establishment from distributing handbills.

Hilda Fernandez, Assistant City Manager, requested that all previous testimony including environmental impacts studies and Kathie Brooks' presentation on the community satisfaction survey where the entertainment district was a major issue for the residents and particularly the issue of handbills litter, be included in the record.

Discussion continued.

Jose Smith, City Attorney, stated that the Planning Board has always had that authority in the process of issuing a Conditional Use Permit and in no way is this ordinance supposed to take this authority away from the Planning Board.

Amendment #3:

Motion made by Commissioner Bower to include this language stating that nothing in this ordinance shall supersede or take away the Planning Board's authority in regards to issuing Conditional Use Permits.

Mayor Dermer gave special thanks to Commissioner Gross and Hilda Fernandez, Assistant City Manager, for working on this issue.

Jorge Gonzalez, City Manager, thanked Hilda Fernandez, Assistant City Manager, and the Legal Department for their time and energy dedicated to this issue and added that he appreciates their support.

Commissioner Bower requested to change her motion to allow Commissioner Gross to make the motion and she seconded it.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 439

10:58:57 a.m.

R5C An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof Entitled "Officers, Employees And Agency Members," Section 2-459 "Certain Appearances Prohibited" By Including "Employee" And "Of Counsel" Relationships Within The Definition Of The Term "Associate"; Providing For Repealer, Severability, Codification, And An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

(Requested by Commissioner Matti Herrera Bower/City Attorney's Office)
(First Reading on May 16, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3561 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 5-0; Absent: Commissioner Libbin; Vice-Mayor Góngora recused himself. R. Parcher to transmit to Municipal Code.

Vice-Mayor Góngora recused himself.

Ms. Soffer Siegel spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 439
1. Form 8B filed by Vice-Mayor Góngora

11:06:43 a.m.

R5D An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally," To Provide That The City Owned Cultural Facility Currently Named The "Jackie Gleason Theater Of The Performing Arts," Located At 1700 Washington Avenue, Miami Beach, Florida, Shall Be Exempt From The Provisions Of Said Article VI; Providing For Repealer, Severability, Codification And Effective Date. **10:25 a.m. Second Reading, Public Hearing.**

(City Manager's Office)
(First Reading on May 16, 2007)

ACTION: Public Hearing held. Ordinance No. 2007-3562 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Libbin. R. Parcher to transmit to Municipal Code.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 439

11: 11:36 a.m.

R5E An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article V, "Specialized Use Regulations," Division 6, "Entertainment Establishments," Section 142-1361 "Definitions", To Specify That Within The CD-2 Commercial Medium Intensity Zoning District Citywide, Entertainment Establishments Or Dance Halls With An Occupant Content Of 100 Or More Persons Shall Be Considered Neighborhood Impact Establishments. **First Reading.**

(Planning Department)

ACTION: Ordinance not approved.

David Kelsey spoke.

Jorge Gomez, Planning Department Director, stated that the Planning Board held a series of workshops and hearing relative to this ordinance. This is not a citywide change; it is a change to the CD-2 district. The Planning Board is recommending to lower the threshold of the public hearing review in the CD2 district because of the proximity to the residential neighborhoods. This ordinance allows for the noticing of the surrounding residents so they have a forum to address any concerns.

Commissioner Steinberg stated that about two years ago there was a discussion regarding South Pointe and Sunset Harbor and asked what is the definition of "entertainment." The Planning Board was going to clarify the definition of entertainment in a restaurant and he has not seen or heard anything. He will not support any ordinance without the clarification. He requested the Planning Department staff and the Administration to clarify the definition of "entertainment" as it pertains to restaurants.

Jorge Gomez, Planning Department Director, stated that this has been done and discussed extensively by the Planning Board. There was extensive discussion regarding the definition of entertainment which is serving the Planning Department quite well.

Discussion continued.

Motion made by Commissioner Bower; seconded by Commissioner Gross for discussion purposes.

Commissioner Cruz is concerned with the process being cumbersome as expressed by David Kelsey. He would like to see the process and procedure for this.

Jorge Gomez, Planning Department Director, stated that he will outline the process for the second reading and gave a brief overview of the process.

Discussion continued.

Commissioner Bower withdrew her motion.

11:52:23 a.m.

R5F Ordinance Amending Chapter 118, "Administration And Review Procedures," Of The City Code, By Amending Article VII, "Division Of Land/Lot Split," By Expanding The Review Criteria For The Review Of Requests For A Division Of Land/Lot Split; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Vice-Mayor Góngora; seconded by Commissioner Bower; Ballot vote; 6-0; Absent: Commissioner Libbin; Second Reading and Public Hearing scheduled for July 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

11:54:45 a.m.

R5G An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article III "Design Standards," Section 130-68 "Commercial And Noncommercial Parking Garages" To Permit Robotic Parking Systems In Main Use Garages In The GU And CCC Districts; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading).**

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Vice-Mayor Góngora; Ballot vote; 6-0; Absent: Commissioner Libbin; Second Reading and Public Hearing scheduled for July 11, 2007. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

R7 - Resolutions**11:55:44 a.m.**

R7A A Resolution Accepting The Recommendation Of The City Manager Pursuant To Request For Qualifications (RFQ) No. 29-06/07, For A Construction Manager At Risk Firm To Provide Pre-Construction Services For The Renovation And Construction Of The 10th Street Auditorium/Beach Patrol Headquarters Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of MCM Corp. For Pre-Construction Services, And Should The Administration Not Be Able To Negotiate An Agreement For Pre-Construction Services With MCM Corp., Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Soares Da Costa, And Should The Administration Not Be Able To Negotiate An Agreement With Soares Da Costa, Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Jasco Construction Company; And Upon Completion Of The Pre-Construction Services, Authorizing The Administration To Enter Into Negotiations To Amend The Agreement With A Guaranteed Maximum Price (GMP) For The Construction Services With The Selected Firm For Pre-Construction Services; Further Authorizing The Mayor And City Clerk To Execute A Professional Services Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26569 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Góngora; Voice vote: 6-0; Absent: Commissioner Libbin. **Jorge Chartrand to handle.**

11:55:59 a.m.

R7B A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute An Agreement Between The City And Coastal Construction Company, In A Negotiated Guaranteed Maximum Price (GMP) Amount Not To Exceed \$1,816,169, Including Contingency, For The Construction Of A New Cart Barn, For The Full Renovation Of The Existing Maintenance Building And The Construction Of New Chemical Storage And Sand Containment Bins; And For The Construction Of Two (2) New Restroom Facilities At Normandy Shores Golf Course, In Accordance With Resolution No 2006-26197, With Funding From Pay As You Go Fund 302, Previously Appropriated In The Fiscal Year 2006-2007 Capital Budget.

(Capital Improvement Projects)

ACTION: Resolution No. 2007-26570 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Góngora; Voice vote: 6-0; Absent: Commissioner Libbin. **Jorge Chartrand to handle.**

11:08:00 a.m.

Supplemental materials: Revised Resolution

R7C A Resolution Approving And Authorizing The Renaming Of The City Owned Cultural Facility, Currently Named The "Jackie Gleason Theater Of The Performing Arts," Located At 1700 Washington Avenue, Miami Beach, Florida, To The "Fillmore Miami Beach At The Jackie Gleason Theater"; Provided Further That The Proposed Renaming Shall Be Subject To And Conditioned Upon, And Shall Only Become Effective, Follow Approval By The Mayor And City Commission, On Second And Final Reading (Currently Set For June 6, 2007), Of The Amendment To The City's Naming Ordinance; Which Amendment Exempts The Jackie Gleason Theater From The Provisions Thereof.

(City Manager's Office)

ACTION: Resolution No. 2007-26571 adopted with the revised resolution submitted via the Supplemental Agenda. Motion made by Commissioner Cruz; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Libbin. **Tim Hemstreet to handle.**

Vice Mayor Góngora stated that he wants to make sure that the name "Jackie Gleason" would not be insignificant.

Gabrielle Redfern spoke.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION:**Community Development Advisory Committee:**

Matthew Sarelson Term expires 12/07 Appointed by Commissioner Steinberg TL 12/14

Hispanic Affairs Committee:

Lucero Levy Term expires 12/08 Appointed by Commissioner Gross TL 12/14

Mayor's Ad-Hoc Green Committee:

Dan Binkiewicz	Term one-year	Appointed by Commissioner Steinberg
John Corey	Term one-year	Appointed by Commissioner Gross
Robin Jacobs	Term one-year	Appointed by Commissioner Cruz
Debra Leibowitz	Term one-year	Appointed by Commissioner Bower
Mitch Novick	Term one-year	Appointed by Mayor Dermer
Patxi Pastor	Term one-year	Appointed by Commissioner Libbin
Luiz Rodrigues	Term one-year	Appointed by Vice-Mayor Góngora

Public Safety Advisory Committee:

Felipe Azenha	Term expires 12/07	Appointed by Commissioner Cruz	TL 12/14
Leonore Hernandez	Term expires 12/07	Appointed by Mayor Dermer	TL 12/14

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

David Kelsey has two concerns on the proposed tunnel from the Port of Miami to Watson Island:

- 1) It will have a negative impact on Miami Beach and
- 2) There is a better way of doing it.

His concern is that this will move an excessive amount of semi trucks from the streets of Miami onto the MacArthur Causeway; the Causeway is already congested. He is also concerned about the potential for terrorism since only 2% to 3% of the containers are inspected. He added that the alternate solution should be patterned after the Port of Rotterdam, which is the busiest port in the world. Ten years ago they automated their port, inspecting all of the containers and moving them on a conveyor belt to the trucks. He does not think the City of Miami Beach has been represented on these discussions.

Commissioner Cruz stated that it is his understanding that they are creating a separate flyover that does not enter the MacArthur Causeway.

Mr. Kelsey suggested that the City encourage the Administration to become active in these meetings and be on the lookout for the resident's interests. He also asked the Commission to have Bill Johnson come before the Commission and make a presentation.

Commissioner Bower stated that she gave a video to the City Manager regarding this issue.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

11:02:01 a.m.

R9C Discussion Regarding A Resolution Urging The U.S. Congress To Pass The Employee Free Choice Act To Protect And Preserve Workers' Freedom To Join A Union.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. Resolution No. 2007-26572 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Libbin. R. Parcher to transmit the Resolution to the U. S. Congress.

Commissioner Steinberg stated that he feels it is a good idea for this community and this Commission to take the position for employees to have the free choice to unionize. He stated some of the benefits of unionizing. He acknowledged members of the American Federation of Labor and Congress of Industrial Organizations, AFLCIO, Deborah Dion and also Luis Maurice.

R9D Discussion Regarding Proposed Ordinance From The La Gorce Neighbors.
(Requested by Commissioner Simon Cruz)

ACTION: Commissioner Cruz withdrew the item. See Agenda item C4E.

12:09:33 p.m.

R9E Discussion And Status Of The Undergrounding Project On Palm And Hibiscus Islands.
(Requested by Commissioner Simon Cruz)

ACTION: Discussion held.

Commissioner Cruz explained that the Homeowners Association asked that this item be placed on the Agenda because of ongoing discussions with Administration regarding the FPL undergrounding issue. He continued saying that Florida Power and Light (FPL) wants the City to completely indemnify them and the City does not agree with the indemnification clause; therefore, this issue is at a standstill and the neighbors are upset because nothing is happening.

Jorge Gonzalez, City Manager, stated that there is a consortium of communities statewide facing the same issue. When FPL established new procedures, they established one issue that could result in significant costs to cities, which is that if there were any accidents, FPL is no longer liable.

Jose Smith, City Attorney, explained that the liability under hold harmless would be unlimited and the City would not be capped at \$100,000.

Jorge Gonzalez, City Manager, added that the consortium is working with FPL and also looking to appeal to the Public Service Commission (PSC) the issue of this indemnification. Via Resolution No. 2007-26529, this Commission authorized the City of Miami Beach to join that consortium with the caveat that the Administration is given up to 45 days to join. FPL indicated that they were working on resolving this issue to remove the requirement.

Commissioner Gross asked what will be the cost to the neighbors.

Jose Smith, City Attorney, stated that there are also financial issues that the consortium is looking at.

Jorge Gonzalez, City Manager, added that when the Administration received the authorization to join the consortium, leaders from FPL contacted the City of Miami Beach informing the Administration that the issue would be resolved by mid June; the City will move forward at the end of thirty days and join the consortium if not resolved.

Commissioner Gross asked if there is a cost for a homeowner for undergrounding.

Jose Smith, City Attorney, explained that this is one of the issues the consortium is addressing, and that there is a formula being worked on.

11:56:43 a.m.

Addendum

R9F Discussion And Referral To The Historic Preservation Board - Macy's South Beach Store "Under-Water Seascape" Ceiling Mural.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Discussion held. Resolution No. 2007-26573 adopted strongly encouraging Macy's to retain and incorporate the original first floor ceiling mural, known as the "Gulf Stream", into the current renovation plans for the store's interior. Motion made by Commissioner Bower and adopted without objection. Jorge Gomez to handle.

Commissioner Gross stated that the Historic Preservation Board has no jurisdiction on this. He suggested adopting a resolution.

Commissioner Bower stated that the preservationists have been trying to save the mural for a long time. She stated that she attended the meeting when the mural was discussed and what really bothered her was that at the meeting Macy's representatives said they are keeping the mural and all of the sudden the mural is being removed. Macy's is not acting in good faith.

Mayor Dermer asked if this could be placed as a condition for permitting.

Jorge Gonzalez, City Manager, stated that it is very difficult to do from a building perspective. He explained that the City is also in discussions with Macy's regarding the rolling door that will enclose the loading dock and trash area. The area has been designed to be left open and the City wants it enclosed.

Mayor Dermer stated that as Commissioner Gross suggested the Commission pass a resolution urging Macy's to keep the mural and this will distinguish this Macy's from other Macy's.

Commissioner Bower stated that they want to be part of the community by changing their name to Macy's South Beach; but when the community asks to keep this piece of art Macy's does not cooperate. She added that Macy's should have more sensitivity on this issue since they are sitting next to a historic district.

Motion made by Commissioner Bower to prepare a resolution. The resolution was accepted without objection.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

- E Non-City Entities Represented By City Commission:
1. Minutes From The Carnival Center For Performing Arts Center Trust Board Meeting On March 27, 2007 And Agenda For The May 29, 2007 Meeting.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

2. Minutes From The Miami-Dade Metropolitan Planning Organization Governing Board On April 26, 2007 And Agenda For The May 24, 2007 Meeting.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 6, 2007**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Michael Góngora
Member of the Board Saul Gross
Member of the Board Jerry Libbin
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

12:02:46 p.m.

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of April 2007.
(Finance Department)

ACTION: Written report submitted.

End of RDA Agenda

Meeting adjourned 12:25:09 p.m.